

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
MIDLAND-ODESSA DIVISION**

STATE OF TEXAS

*Plaintiff,*

v.

U.S. DEPARTMENT OF THE  
INTERIOR, et al.,

*Defendants.*

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Case No. 7:24-CV-00233-DC-RCG

**SECOND AGREED MOTION TO EXTEND SCHEDULING ORDER DEADLINES**

The Parties—the State of Texas; the United States Department of the Interior; the United States Fish and Wildlife Service (the Service); Doug Burgum, in his official capacity as Secretary of the Department of the Interior; and Paul Souza, in his official capacity as Regional Director of Region 8, exercising the delegated authority of the Director of the Service—respectfully move to extend the deadlines set forth in Paragraphs 4 through 7 and Paragraph 13 of the Amended Scheduling Order (Doc. 16). In support of this motion, the Parties state the following:

1. The Court entered the Amended Scheduling Order governing this case on February 24, 2025, Doc. 16, following an agreed motion filed by the Parties requesting a 60-day extension of all deadlines to allow new leadership at the Defendant agencies time to familiarize themselves with the issues presented in this case.
2. In accordance with the Amended Scheduling Order, Defendants provided Plaintiff with the provisional Administrative Record on April 29, 2025.
3. Under the current scheduling order, Plaintiff is due to identify, in writing, any issues regarding the provisional Administrative Record by “Friday, May 28, 2025.”
4. Due to the large size of the provisional Administrative Record, and therefore the time needed to sufficiently review the record, Plaintiff requested additional time to identify any issues regarding the record.

5. Defendants agreed to a three-week extension of this deadline subject to similar extensions of the other deadlines regarding the administrative record.
6. In light of the Parties' agreement to extend the deadlines regarding the administrative record, the Parties respectfully request that the Court enter a new scheduling order to modify the deadlines regarding the administrative record, as well as for the motions for summary judgment.
7. Therefore, the Parties respectfully request this Court enter an Amended Scheduling Order with the following revised deadlines regarding the administrative record and amended pleadings:
  - a. Plaintiff shall identify to Defendants, in writing, any issues regarding the provisional Administrative Record no later than Wednesday, June 18, 2025.
  - b. The Parties shall meet and confer, by phone or videoconference, regarding administrative record issues by Wednesday, July 2, 2025.
  - c. By Wednesday, July 30, 2025, Defendants shall transmit to Plaintiffs and lodge with the Court (1) the entire Administrative Record in this case and (2) an affidavit authenticating the Administrative Record, detailing the process and procedure by which the Administrative Record was collected, and certifying its completeness.
  - d. Plaintiff shall file any objections or motions to complete or supplement or amend the Administrative Record no later than Wednesday, September 3, 2025.
  - e. Defendants shall file their response to Plaintiff's objections or motions no later than Wednesday, October 1, 2025.
  - f. Plaintiff shall file its reply in support of its objections or motions no later than Wednesday, October 22, 2025.
8. The Parties respectfully request the Amended Scheduling Order include the following revised deadlines regarding the motions for summary judgment, in the event Plaintiff does not file a motion on the administrative record by September 3, 2025:
  - a. Plaintiff shall file its motion for summary judgment no later than October 17, 2025.

- b. Defendants shall file their combined cross-motion for summary judgment and response to Plaintiff's motion no later than December 12, 2025.
- c. Plaintiff shall file its combined reply in support of its motion and response to Defendants' cross-motion no later than January 23, 2026.
- d. Defendants shall file their reply in support of their cross-motion for summary judgment no later than February 20, 2026.

Dated: May 29, 2025

Respectfully submitted,

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***Attorneys for Defendants***

**CERTIFICATE OF SERVICE**

I hereby certify that on May 29, 2025, a copy of the foregoing Second Agreed Motion to Extend Scheduling Order Deadlines was electronically filed with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to all attorneys in this case.

/s/ Clayton Smith  
Clayton Smith  
Assistant Attorney General  
*Attorney for Plaintiff*